

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

FIRSTPOWER GROUP, LLC,	)	Case No. 5:17-cv-00392
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
v.	)	<b><u>ORDER GRANTING DEFENDANTS'</u></b>
	)	<b><u>MOTION TO STAY PROCEEDINGS</u></b>
WD-40 COMPANY, <i>et al.</i> ,	)	<b><u>AGAINST DEFENDANTS HOME</u></b>
	)	<b><u>DEPOT U.S.A., INC., LOWE'S HOME</u></b>
Defendants.	)	<b><u>CENTERS, LLC, AND WAL-MART</u></b>
	)	<b><u>STORES EAST, LP</u></b>
	)	<b><u>(THE RETAILER DEFENDANTS)</u></b>

Upon consideration of *Defendants' Motion to Stay Proceedings against Defendants Home Depot U.S.A., Inc., Lowe's Home Centers, LLC, and Wal-Mart Stores East, LP "Retailer Defendants"* (the "Motion"), and for good cause shown, the Court hereby:

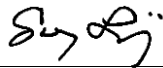
1. **GRANTS** said Motion;
2. **STAYS** all further litigation against the Retailer Defendants until the earlier of:
  - a. Adjudication of the merits of Plaintiff FirstPower Group LLC's claims against Defendants WD-40 Company and WD-40 Manufacturing Company, including whether the WD-40 EZ-REACH FLEXIBLE STRAW product infringes or creates a likelihood of confusion with Plaintiff's "EZ Reach" mark; or
  - b. A subsequent Order Lifting Stay.
3. **ORDERS** that the Retailer Defendants are bound by this Court's final adjudication, made while these proceedings are stayed, as to whether:
  - a. the WD-40 Company and WD-40 Manufacturing Company's use of the WD-40 EZ-REACH FLEXIBLE STRAW product constitutes trademark infringement pursuant to § 32(1) of the Lanham Act or Ohio common law; and
  - b. a "likelihood of confusion," as that term is used with respect to § 43(a) of the Lanham Act or R.C. 4165.02(A)(2) and (A)(3), exists between the WD-40 Company and WD-40 Manufacturing Company's use of the WD-40 EZ-REACH FLEXIBLE STRAW product and FirstPower's "EZ-Reach" mark.

4. **ORDERS** that, despite imposition of the stay, the Retailer Defendants are bound by this Court's ruling on Plaintiff's Motion for Preliminary Injunction (ECF No. 4); and
5. **ORDERS** that the Retailer Defendants are excused from participating in discovery during the stay but are required to respond to requests by FirstPower or Defendants WD-40 Company and WD-40 Manufacturing Company for the production of documents and things necessary to establish the existence or non-existence of:
  - a. WD-40 Company and WD-40 Manufacturing Company's alleged trademark infringement on Plaintiff's "EZ Reach" mark; or
  - b. the existence of a "likelihood of confusion" between the WD-40 EZ-REACH FLEXIBLE STRAW product and FirstPower's "EZ Reach" mark.

In issuing this Order, the Court does not make any findings or rulings with respect to the merits of FirstPower's claims for liability or damages against WD-40 Company or WD-40 Manufacturing Company in this case.

**IT IS SO ORDERED.**

Dated: May 22, 2017



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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**